



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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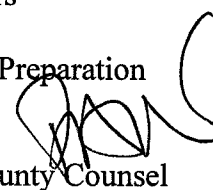
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May 14, 2012

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TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Lianna Avetisyan, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 396 962

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Lianna Avetisyan, et al. v. County of Los Angeles, et al. Los Angeles Superior Court Case No. BC 396 962, in the amount of \$190,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Public Works' budget.

This alleged dangerous condition, wrongful death lawsuit arises from an automobile accident on a County road.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Lianna Avetisyan, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC396962
COURT	Los Angeles Superior Court
DATE FILED	August 8, 2008
COUNTY DEPARTMENT	Department of Public Works – Road Maintenance
PROPOSED SETTLEMENT AMOUNT	\$ 190,000
ATTORNEY FOR PLAINTIFF	Arash Homampour, Esq. Margarit Mardirosian, Esq.
COUNTY COUNSEL ATTORNEY	Samuel Muir, Esq. Brian T. Chu, Principal Deputy County Counsel
NATURE OF CASE	This is an alleged dangerous condition lawsuit concerning an automobile accident which occurred on October 24, 2007, at approximately 10:50 p.m. Migran Gevoglanyan, age 27, was driving a 2002 Ford Crown Victoria sedan, southbound on La Cienega Boulevard, approaching the Slauson Avenue exit. For unknown reasons, Mr. Gevoglanyan lost control of his vehicle, causing it to slide sideways onto the raised median of the exit ramp, and into the end of the guardrail on the raised

median. The impact caused the guardrail to impact the driver's door, which then caused fatal injuries to Mr. Gevoglanyan. Mr. Gevoglanyan's spouse and minor son allege a dangerous condition of public roadway. The County denies that there was a dangerous roadway condition and contends that none of the roadway features contributed to this accident.

Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$190,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	310,053
PAID COSTS, TO DATE	\$	51,671



Summary Corrective Action Plan

County of Los Angeles Department of Public Works



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Plaintiffs:	Lianna Avetisyan, et al.
Date of incident/event:	October 24, 2007
Briefly provide a description of the incident/event:	<p>On October 24, 2007, a vehicle driven by 27-year-old Migran Gevoglanyan was traveling southbound on La Cienega Boulevard near Slauson Avenue in the unincorporated County of Los Angeles area, when he broadsided the existing guardrail end-treatment at a high rate of speed, which resulted in fatal injuries. The plaintiffs allege: (1) The guardrail was on a concrete base/raised median when it should not have been; 2) the end-treatment was not curved properly; and 3) the rectangular washers that were present on the guardrail should have been omitted based on the approved standards at the time of installation.</p> <p>La Cienega Boulevard is a north/south major roadway with three lanes in each direction. The posted speed limit for southbound La Cienega Boulevard is 55 miles per hour. The subject metal guardrail and end-treatment was installed on a raised curb between La Cienega Boulevard and the southbound ramp from La Cienega Boulevard to Slauson Avenue. According to our records, the guardrail was replaced and upgraded in 1987. The contractor that performed this work was Modern Alloys, and they were successfully brought into the litigation for equitable indemnity of the County. Subsequent to their involvement, Modern Alloys set forth strong arguments that the subject end-treatment had been altered or repaired some time after their contract work in 1987.</p> <p>An investigation revealed that the repaired end-treatment struck by Mr. Gevoglanyan was not installed in accordance with existing Caltrans standards because it included washers that were called to be omitted. The washers were shown to be used in a 1981 version of the Caltrans guidelines and were eliminated in the 1984 version. The minimum offset for the taper of the end-treatment was modified from the standard due to the existing space restrictions at the location.</p>

1. Briefly describe the root cause of the claim/lawsuit:

An out-of-control vehicle struck a guardrail that is not designed for side impacts.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

1. Following the incident date, between late July 2008 and early August 2008, Public Works repaired the damaged end-treatment.
2. By May 1, 2012, Public Works will prepare a memo outlining the internal processes that will be followed to ensure that the design, placement, and repair of new guardrail end-treatments are based on good engineering judgment and in accordance with the applicable standards. It is expected that these processes will provide a basis for asserting a design immunity defense for any future and similar claims.
3. By May 1, 2012, Public Works will submit a proposal to develop a database using the Maintenance Management System and/or Document Management System to document and retain records and design plans related to the repair, upgrade, and replacement of guardrail end treatments. The proposal will identify the schedule and resources needed to develop the database.

4. State if the corrective actions are applicable to only your department or other County departments:

(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance).

- ☐ Potentially has Countywide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department implications.

County of Los Angeles Department of Public Works
Summary Corrective Action Plan

Signature: (Risk Management Coordinator) <i>Steve M. Hennessee</i> Steven G. Steinhoff	Date: 3-26-2012
Signature: (Director) Gail Farber <i>Gail Farber</i>	Date: 4-11-12.

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	Date:
Signature: <i>LM</i>	Date: 3/26/2012

ML:psr
PA:AVETISYAN SCAP2

**DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN**

LAWSUIT OF: Lianna Avetisyan, et al.

INCIDENT DATE: October 24, 2007

INCIDENT LOCATION: Southbound La Cienega Boulevard, 424 feet south of Slauson Avenue, unincorporated County of Los Angeles area.

RISK ISSUE:

Public Works could be held liable for the design, repair, or reinstallation of guardrail end-treatments that are not in compliance with the standards as they existed at the time of design.

INVESTIGATIVE REVIEW:

On October 24, 2007, a vehicle driven by 27-year-old Migran Gevorglanyan was traveling southbound on La Cienega Boulevard near Slauson Avenue in the unincorporated County of Los Angeles area, when he broadsided the existing guardrail end-treatment at a high rate of speed, which resulted in fatal injuries. The plaintiffs allege: (1) The guardrail was on a concrete base/raised median when it should not have been; 2) the end-treatment was not curved properly; and 3) the rectangular washers that were present on the guardrail should have been omitted based on the approved standards at the time of installation.

La Cienega Boulevard is a north/south major roadway with three lanes in each direction. The posted speed limit for southbound La Cienega Boulevard is 55 miles per hour. The subject metal guardrail and end-treatment was installed on a raised curb between La Cienega Boulevard and the southbound ramp from La Cienega Boulevard to Slauson Avenue. According to our records, the guardrail was replaced and upgraded in 1987. The contractor that performed this work was Modern Alloys, and they were successfully brought into the litigation for equitable indemnity of the County. Subsequent to their involvement, Modern Alloys set forth strong arguments that the subject end-treatment had been altered or repaired some time after their contract work in 1987.

An investigation revealed that the repaired end-treatment struck by Mr. Gevorglanyan was not installed in accordance with existing Caltrans standards because it included washers that were called to be omitted. The washers were shown to be used in a 1981 version of the Caltrans guidelines and were eliminated in the 1984 version. The minimum offset for the taper of the end-treatment was modified from the standard due to the existing space restrictions at the location.

POLICY ISSUES:

Under current practices, guardrail end-treatments can be evaluated for conformance with the latest standards when:

- Damage occurs requiring repairs or replacement to guardrail end-treatments;
- New roadway resurfacing or reconstruction projects, excluding preventive maintenance projects, are initiated;

In these instances, engineers involved in the review of existing conditions should ensure the end-treatments are installed based on good engineering judgment, and in accordance with the applicable standards.

CORRECTIVE ACTION:

1. Following the incident date, Public Works repaired the damaged end-treatment between late July 2008 and early August 2008.
2. By May 1, 2012, Public Works will prepare a memo outlining the internal processes that will be followed to ensure that the design, placement, and repair of new guardrail end-treatments are based on good engineering judgment and in accordance with the applicable standards. It is expected that these processes will provide a basis for asserting a design immunity defense for any future and similar claims.
3. By May 1, 2012, Public Works will submit a proposal to develop a database using the Maintenance Management System and/or Document Management System to document and retain records and design plans related to the repair, upgrade, and replacement of guardrail end treatments. The proposal will identify the schedule and resources needed to develop the database.

Reviewed & Recommended:


Sree Kumar, Asst. Deputy Director


David MacGregor Asst. Deputy Director

Approved:


Patrick V. DeChellis, Deputy Director

ML:psr
P4:WVETISYAN CAP2